(20)

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

WRIT PETITION NO. 2149 OF 2001

Petitioner : Salikram Pradhan, S/o Sonuram, aged about occupation helper, R/o Village Juda, Dist.- Raigarh.

Versus

Respondents :1. State of Chhattisgarh through Superintending Engineer, Public Works Department Raigarh.

2. Executive Engineer, PWD Raigarh.

3. Sub Divisional Officer, PWD Raigarh.

4. Presiding Officer, Industrial Court, Raipur (C.G.)

Present: Shri Sunil Sahu, counsel for the petitioner.
Shri Alok Bakshi, Government Advocate for the State/respondent No.1.
None for the respondents No.2, 3 and 4.

ORAL ORDER

(3rd February, 2006)

1. The petitioner was appointed as labour in the year 1988. Thereafter, petitioner was posted as Helper on 27.3.97 in the office of the Sub Divisional Officer, Public Works Department, Raigarh. The petitioner was not paid salary of the post of Helper, accordingly he filed an application under Section 31(3) of the M.P. Industrial Relations Act, 1960 before the Labour Court, Bilaspur. The Labour Court by judgement and order dated 14.1.2000 (Annexure P-1) allowed the application partly to the extent that the petitioner would

be entitled to salary for the period, he had worked as Helper. Being aggrieved the petitioner filed an appeal under Section 65 of M.P. Industrial Disputes Act along with an application for condonation of delay. It is not disclosed as to whether the said appeal was accompanied by the application for condonation of delay or not. It is well established principle of law that no authority can grant condonation of delay in absence of proper application for condonation of delay. However, on reading of the impugned judgement and order it appears that there was an application for condonation of delay. Learned Member Judge, Industrial Court, has considered all the reasons for condonation of delay and has come to the conclusion that the petitioner has not made out a case for condoning the delay. This petition is filed against the order dated 18.5.2001 passed by the Industrial Court Bench at Raipur, in Civil Appeal No. 241/MPIR Act/A(ii)/2000.

2. I have heard learned counsel for the parties and perused the papers appended to the petition. It appears that the petitioner could not get proper information about the decision of the Labour Court on account of Advocates' strike. Sufficient cause has been shown by the petitioner.

3. In view of the foregoing the petition is allowed and the order dated 18.5.2001 (Annexure P-2) is quashed. The matter is remitted back to the Industrial Court for decision on merit. No order as to cost.

Certified copy, as per rules.

Sd/-
Satish K. Agnihotri
Judge

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